

Land tenure and vulnerability: the social consequences of the *in situ* upgrade of informal settlements, a South African case study

Ms. Kamna Patel

International Development Department, University of Birmingham

email: kamnap@yahoo.com

Introduction

In every country with informal settlements there is state policy to contain, manage and reduce their number in and around cities. In South Africa, policies towards informal settlements are in keeping with a global trend that favours *in situ* upgrade (as opposed to relocation) (GoRSA, 2004:12). The policy is guided by the belief that upgrading, which brings in state services and formalises tenure arrangements, also: improves public health; increases revenue streams for municipalities; intervenes to provide better quality low income housing; and that an upgraded settlement becomes a stable foundation for the economic and social reintegration of hitherto marginalised and excluded sections of urban society.

My research investigates the social consequences for informal dwellers of state intervention through upgrading. The state is relatively absent in informal settlements, allowing hierarchies of power to emerge that establish social order and rules of behaviour (Van Horen, 1999). Initial access to land and housing and continued security from the threat of eviction is usually determined by the social relations of would-be (and subsequently established) informal dwellers. State intervention alters the function and nature of these types of social relations and challenges *de facto* rules of urban life. This, contrary to the theories behind upgrading informal settlements, can increase experiences of vulnerability amongst some informal dwellers. This paper draws on preliminary findings from research in an informal settlement in Durban, South Africa¹, and argues the process of upgrading necessarily changes an individual's social relationships in two ways: the first, physical displacement accompanying *in situ* upgrade weakens crucial relationships with neighbours. The second, access to resources within the community are negotiated with new actors under unfamiliar rules - this is exposed in one part of the upgrading process, the allocation of housing.

The case study

Cato Crest is a dense urban settlement of approximately 8,000 households (officially); unofficial approximations are closer to 15,000 households (Interview A, 2009). The popularity of Cato Crest is attributable to its location, some 3km from the centre of Durban, walking distance to employment opportunities in the city, schools, health clinics and shops. Its favourable location continues to attract national migrants (Zulu-speakers from rural Kwa-Zulu Natal and Durban townships, and Xhosa speakers from the Eastern Cape) and international migrants (from Southern Africa). Residents are exclusively black African, the majority are ethnic Zulu, and range from very poor to poor. Within Cato Crest are three housing types: shacks, RDP houses (Reconstruction and Development Programme, built by the municipality) and transit camps, where tens of households are temporarily held whilst their previous shack is demolished and new house constructed. Residents within Cato Crest include owner-occupiers; tenants; landlords; and squatters of both shacks and RDP houses. This means within Cato Crest is a multitude of tenure arrangements each with varying degrees of tenure security and insecurity.

The current state of the settlement is inextricably linked to the fall of apartheid. As apartheid collapsed in the city the authority of the municipality was challenged in many arenas. There was intense political violence in the townships especially as political parties and criminal elements vied to fill the power vacuum that emerged with the collapse of governance; Africans in townships either withstood the violence or fled (Edwards, 1999; Marks and Trapido, 1989; Van Horen, 1999). Vulnerability and a threat to personal security drove early

¹ Findings are based on twelve interviews with various residents of Cato Crest, and thirteen interviews with housing officials. During the period of fieldwork I was visiting researcher at the University of Kwa-Zulu Natal.

settlers to Cato Crest in the late 1980s/early 1990s (Interview B, 2009). At that time Cato Crest was a hill covered in trees and shrubs, representing over thirty years of non-occupation¹. By 1994, Africans fleeing political violence, encouraged by the growth of a settlement close to the city and the apparent non-interference of the municipality, and predicting a change in their rights as citizens with the election of the African National Congress party (ANC), came to Cato Crest in droves. Since 1994 numbers have continued to swell.

The early settlers quickly established a leadership that organised residents and negotiated on their behalf with the municipality (for access to water and the right to remain). Their unity was driven by a common purpose and shared experience of deprivation. They also helped determine where newcomers went; a potential newcomer's acceptance into the settlement was determined by the strength of their social relationship to someone within the settlement. New shacks were, and still are, erected only next to the shack of a relative or friend, with an unspoken consensus the plot of land around the first shack is 'owned' by its occupant and can therefore be legitimately transferred. Successive waves of newcomers challenged the hegemony of the early leadership. Their different visions for the future of Cato Crest weakened the leadership's power-base. These old community structures competed against, and were eventually undermined by party political structures at ward level keen to canvass the votes of poor black Africans². Cato Crest consistently and in large numbers votes ANC. Political competition within the settlement is fiercest amongst individuals for leadership positions. Such positions control the allocation of resources within the community and creates opportunities for political patronage and self-enrichment.

Funded by national government, a municipality project to upgrade Cato Crest began in 2000. Since this time approximately 500 RDP houses have been built. The construction of five RDP houses and instalment of full services (water, electricity, sewerage) requires the demolition of nearly 20 shacks; this means for every five households re-housed *in situ*, 15 households are relocated elsewhere typically in settlements at least 45km away from the city centre on the only land still available for greenfield development (Interview C, 2009). The allocation of housing is determined by the local councillor, ward committee and municipal Housing Unit. The Housing Unit is not involved in the detail of which household goes where, but to ensure an eligible household within the ward is allocated a house (Interview C, 2009).

Key Findings

Vulnerability is both a driver and outcome of tenure insecurity in Cato Crest. Early settlers fled violence, trading relative tenure security in townships for insecurity in informal settlements. Vulnerability as an outcome results from the physical movement of households during the upgrade process. People move from shack to transit camp, then back to RDP house. In the process, long standing relations with neighbours (who are typically family) are destroyed, partially rebuilt, destroyed once more, and partially rebuilt once more. The social fabric of 'community' is torn at each phase, exposing particular individuals to vulnerability. The elderly especially suffer as their limited mobility means neighbourly relations sustain their social life and economic wellbeing. Neighbours often share food and freely lend small amounts of money to elderly neighbours (Interview E, 2009).

The political and technical challenges involved in this project means there is no end date; Cato Crest is in perpetual transition. This feeds uncertainty amongst all residents (irrespective of housing type) and mistrust of ward structures (ward committee and councillor) that are unable to provide information or make guarantees, engendering a common perception that corrupt nepotistic practices drive housing allocation. Consequently, residents are uncertain as to which social relations within the community will yield an RDP house and accompanying freehold title (the maximum standard in tenure security). The state's rhetoric of participation has elevated the importance of these mistrusted structures in resource allocation. Based on interviews with residents and housing officials, it seems an individual's relationship to ward structures guarantees access to a house and its exact location. This relationship is influenced by varying combinations of political patronage, cash bribes and the personal charisma of an individual to make demands of ward structures.

¹ The site had been cleared under the 1950 Group Areas Act which prohibited racially mixed residential spaces.

² A ward is the smallest political unit in South Africa. Each ward has an elected councillor – accountable to political party structures and the electorate; and an elected ward committee – accountable to members of the ward. Cato Crest falls under ward 31 and is the single largest community within the ward. The voting patterns of Cato Crest determine the electoral outcome of the entire ward.

People who tend to prosper as result of the upgrade project are currently living in RDP houses. In some cases their access to a house was heavily influenced by their ability to exercise power over ward structures (Interview D, 2009). For example, one interviewee (Interview D, 2009) invaded his current house (i.e. it was not officially allocated to him). He was a former member of the ward committee with considerable political influence. Subsequent to invasion he negotiated his tenure directly with ward structures. While he has not yet received the title deed to the house (this can take up to a year from occupancy), he has built extensions and expand living space for family and for rental income. While such an investment may appear as a sign of security, the interviewee noted extensions are vital to secure tenure, “if I build up my house, it will be harder for someone to take it away” (Interview D, 2009). His belief speaks to a mistrust of the municipality and actors involved in housing allocation. However, somewhat paradoxically, his mistrust does not affect dependence on the state. In this case, and others, people in RDP houses were less reliant on neighbours and ward structures for access to services and help in feeling safe and secure in their home, with responsibility having transferred to the state e.g. the law courts.

Conclusion

Preliminary findings confirm social relations change as a result of the upgrade process. The inevitable displacement that accompanies upgrade in dense settlements means some people - especially the elderly - experience an increase in vulnerability. The lack of transparency in the allocation of housing and the role of social relations in negotiating access to resources can furthermore exacerbate the tenure insecurity and vulnerability of (a) those unable to wield power over ward structures; and (b), those who are able to secure a house through their social relations but remain exposed to the fear the municipality may take their gains away. The relationship between tenure and vulnerability, explored here through the lens of social relations, speaks more broadly to issues of citizenship. There is a need for the process of upgrade to build trust between low income settlers (including informal dwellers and low cost homeowners) and municipalities. In a historic context of the state’s marginalisation of poor Africans, upgrading informal settlements in South Africa is not just about delivering houses, but rebuilding social relations between citizen and state.

References

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